

#3

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY DOCKET NO.: 5051-425  
DATE: 30 March 1999

UTILITY PATENT APPLICATION TRANSMITTAL LETTER  
AND FEE TRANSMITTAL FORM (37 CFR 1.53(b))

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

Transmitted herewith for filing under 37 CFR 1.53(b) is:

- ☒ a patent application; **claiming the benefit of U.S. Provisional Application 60/080,383, filed 1 April 1998.**  
☐ a Continuation    ☐ a Divisional    ☐ a Continuation-in-Part (CIP)

☒ A Small Entity Statement(s) was filed in the prior application; Status still proper and desired.

Inventor(s) or Application Identifier:

Name: Dominique Robertson  
307 Swiss Lake Drive  
Cary, North Carolina 27513

Entitled: METHOD OF SUPPRESSING GENE EXPRESSION IN PLANTS

Enclosed are:

1. ☒ Application Transmittal Letter and Fee Transmittal Form (*A duplicate is enclosed for fee processing*)
2. ☒ 33 pages of Specification (including 35 claims)
3. ☒ 3 sheets of Informal Drawings (35 USC 113)
4. ☐ Oath or Declaration
  - a. ☐ newly executed (*original or copy*)
  - b. ☐ copy from prior application (37 CFR 1.63(d) (*for continuation/divisional*) [Note Box 5 Below]
  - c. ☐ **DELETION OF INVENTOR(S)** (*Signed statement deleting inventor(s) named in the prior application*)
5. ☒ Incorporation By Reference (*useable if box 4b is checked*)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Microfiche Computer Program (*Appendix*)
7. ☐ Assignment papers (*cover sheet(s) and document(s)*) Filed in parent application
8. ☐ Small Entity Statement(s)
9. ☒ Information Disclosure Statement, PTO-1449, and 24 references cited
10. ☐ Preliminary Amendment (*Please enter all claim amendments prior to calculating the filing fee.*)
11. ☐ English Translation Document

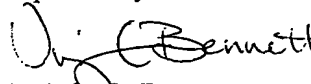
12. ☐ Certified Copy of  
 13. ☐ Sequence Listing/ Sequence Listing Diskette  
     a. ☐ computer readable copy  
     b. ☐ paper copy  
     c. ☐ statement in support  
 14. ☐ An Associate Power of Attorney  
 15. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*  
 16. ☐ Other:

The fee has been calculated as shown below:

|   | Column 1<br>No. Filed | Column 2<br>No. Extra | Small Entity<br>Rate      Fee | Large Entity<br>Rate      Fee |
|---|-----------------------|-----------------------|-------------------------------|-------------------------------|
| BASIC FEE   |                       |                       | \$380.00                      | \$760.00                      |
| TOTAL CLAIMS  | 35 - 20 =             | 15                    | x 09 = \$135.00               | x 18 = \$                     |
| INDEP CLAIMS  | 4 - 3 =               | 1                     | x 39 = \$ 39.00               | x 78 = \$                     |
| <input checked="" type="checkbox"/> MULTIPLE Dependent Claims Presented   |                       |                       | + 135 = \$135.00              | + 270 = \$                    |
| <i>If the difference in Col. 1 is less than zero, Enter "0" in Col. 2</i> |                       |                       | Total \$694.00                | Total \$                      |

- ☐ A check in the amount of \$              to cover the filing fee is enclosed.
- ☐ A check in the amount of \$              is enclosed to cover the filing fee, PLUS the Assignment Recordation fee (\$40.00).
- ☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0220.
- ☐ Any additional filing fees required under 37 CFR 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.

Respectfully submitted,

  
 Virginia C. Bennett  
 Registration No. 37,092

Correspondence Address:  
 USPTO Customer Number: 20792  
 Myers Bigel Sibley & Sajovec,  
 Post Office Box 37428  
 Raleigh, NC 27627  
 Tel (919) 854-1400  
 Fax (919) 854-1401

#### CERTIFICATE OF EXPRESS MAILING

Express Mail Label No. EL299764378US  
 Date of Deposit: 30 March 1999

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Box Patent Application, Assistant Commissioner For Patents, Washington, DC 20231.

  
 Marilyn Eldridge; Date of Signature: 30 March 1999



Box Patent Application  
Assistant Commissioner for Patents  
Washington, DC 20231

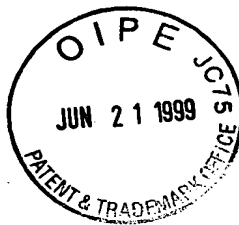
VCB:mle  
30 March 1999  
JC560 U.S. PTO MBSS: 5051-425  
09/281528  
03/30/99

Sir: Kindly acknowledge receipt of the accompanying by placing your  
receiving date stamp hereon and mailing:

- 1) Duplicate Utility Application Transmittal Letter
- 2) 33 page Specification, including 35 claims
- 3) 3 sheets of Informal Drawings
- 4) IDS Transmittal Letter
- 5) PTO Form 1449 and 24 references

In re: Application of Dominique Robertson; "Method of Suppressing Gene  
Expression in Plants", USSN To be assigned; Filed Concurrently herewith

Respectfully,  
**MYERS BIGEL SIBLEY & SAJOVEC**  
Attorneys for Applicant



SECTOR \$

Attorney's Docket No. 5051-425

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of Dominique Robertson

Group Art Unit: 1649

Serial No.: 09/281,528

Examiner: Unknown

Filed: March 30, 1999

For: METHOD OF SUPPRESSING GENE EXPRESSION IN PLANTS

June 17, 1999

Box Missing Parts

Assistant Commissioner for Patents

Washington, DC 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS  
OF APPLICATION - FILING DATE GRANTED**

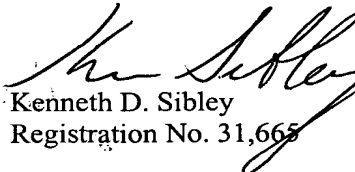
Sir:

Enclosed are the following documents responding to the Notice to File Missing Parts of Application dated April 23, 1999:

- 1) PTO Copy of Form PTO-1533;
- 2) Declaration and Power of Attorney for Patent Application;
- 3) Copy of return receipt postcard; and
- 4) Copy of Utility Patent Application Transmittal Letter

Copies of the return receipt postcard and the Utility Patent Application are enclosed to clarify the number of claims submitted in the application, and the fee associated therewith. Form 1533 cites 19 total claims over 20. The Patent Application Transmittal Sheet identifies 15 total claims over 20, accurately reflecting the total number of claims filed (35), and for which fees are now due (35-20 = 15). Accordingly, the amount due has been recalculated to reflect fees due on 15 claims (\$270.00). A check in the amount of \$1,498.00 is enclosed to cover the filing fee (\$1,368.00) and the surcharge under 37 C.F.R. § 1.16(e) (\$130.00). Any additional fee or credit may be charged to our Deposit Account No. 50-0220.

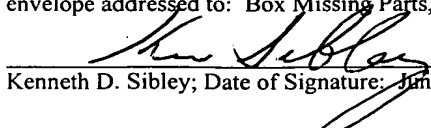
Respectfully submitted,

  
Kenneth D. Sibley  
Registration No. 31,665

Myers Bigel Sibley & Sajovec  
P.O. Box 37428  
Raleigh, North Carolina 27627  
Tel (919) 854-1400  
Fax (919) 854-1401

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner For Patents, Washington, DC 20231, on June 17, 1999.

  
Kenneth D. Sibley; Date of Signature: June 17, 1999



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO./TITLE |
|--------------------|---------------------|-----------------------|---------------------------|
| 09/281,528         | 03/30/99            | ROBERTSON             | D 5051-425                |

020792 0242/0423  
MYERS BIGEL SIBLEY AND SAJOVEC  
P O BOX 37428  
RALEIGH NC 27627

NOT ASSIGNED

1649

DATE MAILED:

04/23/99

**NOTICE TO FILE MISSING PARTS OF APPLICATION**  
**Filing Date Granted**

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the **SURCHARGE** set forth in 37 CFR 1.16(e) of ☐ \$65.00 for a small entity in compliance with 37 CFR 1.27, or ☒ \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 1570.

☒ 1. The statutory basic filing fee is:

- ☒ missing.  
☐ insufficient.

Applicant must submit \$ 760 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due: 15

270 \$ 342 for 19 total claims over 20.

\$ 70 for 1 independent claims over 3.

\$ 260 for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☒ is missing or unsigned.  
☐ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.52(d), previously submitted, and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

**A copy of this notice MUST be returned with the reply**

T-4 Ford  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

0000143 09261530  
06/22/1999 MARSHALL  
01 FC:101  
02 FC:105  
03 FC:102  
04 FC:103  
05 FC:104  
GPO: 1998-446-824